

PLANNING COMMISSION

November 18, 2015

Action Report

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Yob, Abelite, Ballard, O'Halloran, and Yesney

ABSENT: Commissioners Bit-Badal and Pham (arrived at approximately 6:40 pm)

SUMMARY OF HEARING PROCEDURES

1. PUBLIC COMMENT

None

2. DEFERRALS AND REMOVALS FROM CALENDAR

No Items

3. CONSENT CALENDAR

- a. **C15-014**, Conventional Rezoning from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District to allow commercial use on a 0.17 gross acre site, located on the east side of S. Montgomery, between The Alameda and W. San Fernando Street (50 S. Montgomery St.) (Ilya Neizvestny, Owner). Council District 6. CEQA: Addendum to the San Jose Downtown Strategy 2000 Final Environmental Impact Report (Sch # 2003042127) and the Diridon Station Area Plan Final Environmental Impact Report (Sch# 2011092022). *Deferred from 6/24/15; Dropped and Re-Noticed from 08/26/15. PROJECT MANAGER, LEILA HAKIMIZADEH*

- 1. RECOMMENDED ADOPTION TO THE CITY COUNCIL AND DETERMINED THE ADDENDUM TO THE SAN JOSE DOWNTOWN STRATEGY 2000 FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2003042127) AND THE DIRIDON STATION AREA PLAN FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2033092022) ARE IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

**2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A
CONVENTIONAL REZONING ORDINANCE (6-0-1, BIT-BADAL ABSENT)**

- b. **CP12-020 & T12-018 (Administrative Hearing).** A Conditional Use Permit (CP12-020) to allow the conversion of six single-family detached residences on one lot into six residential condominium units, and a Vesting Tentative Map (T12-018) to create six air spaces for condominium use, in the R-M Multiple Residence Zoning District on the 0.27 gross acre subject site, located at 36, 38, 40, 42, 44, and 46 North 11th Street (Clare and Roberta Caldwell et al, Owners). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15301(k) for Existing Facilities. *PROJECT MANAGER, JENNIFER PIOZET*
- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
 - 2. APPROVED THE CONDITIONAL USE PERMIT WITH AN UPDATE TO FACT #2.C. TO STATE THAT THE PERMITTEE WILL RE-ROOF ALL BUILDINGS PRIOR THE SALE OF THE CONDOMINIUMS, AND A CORRECTION TO FACT #2.G. TO STATE “CALIFORNIA BUREAU OF REAL ESTATE” INSTEAD OF “CALIFORNIA DEPARTMENT OF REAL ESTATE.”– RESOLUTION NO. 15-054 (6-0-1, BIT-BADAL ABSENT)**
APPROVED THE VESTING TENTATIVE MAP – RESOLUTION NO. 15-055 (6-0-1, BIT-BADAL ABSENT)
- c. **CP15-002 (Administrative Hearing).** Conditional Use Permit to allow the removal of seven ordinance-size trees, the demolition of an existing 2,685 square-foot drive-through public eating establishment and the construction of a new 4,276 square foot public eating establishment (McDonald’s) with a drive-through on a 0.72 gross acre site in the CN Neighborhood Commercial Zoning District, located on the northeasterly corner of South Bascom Avenue and Fruitdale Avenue (898 South Bascom Avenue) (Jones Tonnie J. Et Al, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, REBECCA BUSTOS*
- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
 - 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-056 (6-0-1, BIT-BADAL ABSENT)**
- d. **CP15-060 (Administrative Hearing).** Conditional Use Permit to allow a brewery with an associated public eating and drinking establishment and the off-site sale of beer and wine in an existing 10,200-square foot building on a 0.24-gross acre site in the DC Downtown Primary Commercial Zoning District, located at 439 South 1st Street (Berg Richard P. Trustee & Et Al, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *Dropped and Re-Noticed from 11/04/15. PROJECT MANAGER, REBECCA BUSTOS*
- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
 - 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-057 (6-0-1, BIT-BADAL ABSENT)**

- e. [PDC15-017](#). Planned Development Rezoning from the A(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning District to allow uses of the IP Industrial Park Zoning District and miniwarehouse/ministorage uses on an approximately 1.25 gross acre site, located at 1785 Oakland Road (Union Carbide Industrial Gases Inc., Owner). Council District: 4. CEQA: Addendum to the North San Jose Development Policies Final Program Environmental Impact Report (Resolution No. 72768). **PROJECT MANAGER, JENNIFER PIOZET**
1. **RECOMMENDED THE CONSIDERATION AND ADOPTION TO CITY COUNCIL THAT THE ADDENDUM TO THE NORTH SAN JOSE DEVELOPMENT POLICIES FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 72768) IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
 2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (6-0-1, BIT-BADAL ABSENT)**

4. PUBLIC HEARING

- a. [CP14-070 \(Administrative Hearing\)](#). Conditional Use Permit to allow the expansion of a legal nonconforming 1,800 square foot drinking establishment for up to 23 seats, late-night use until 2:00 a.m., and an off-site parking agreement in the CP Commercial Pedestrian Zoning District on a 0.07-gross acre site located at 262 Keyes Street (Martin E. and Monica Adaro, Owners). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15270 for Projects which are Disapproved. **PROJECT MANAGER, LEA SIMVOULAKIS**
1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, YOB & BIT-BADAL ABSENT)**
 2. **DENIED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-058 (5-0-2, YOB & BIT-BADAL ABSENT)**

5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

6. GOOD AND WELFARE

- a. Report from City Council
Japantown Rezoning, 4-Lot Rezoning on Cypress Avenue, and Urban Agriculture Incentive Zone
- b. Review and Approve Synopsis from [11-04-15](#)
Synopsis Approved (5-0-2, Yob & Bit-Badal Absent)
- c. Subcommittee Formation, Reports, and Outstanding Business
No Reports
- d. Commission Calendar and Study Sessions
No Items

ADJOURNMENT